

AMENDED IN ASSEMBLY JULY 29, 2003

SENATE BILL

No. 1042

Introduced by Committee on Budget and Fiscal Review

February 27, 2003

An act relating to public social services to amend Sections 6035 and 6040 of, and to add Sections 6041, 6042, and 6043 to, the Penal Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1042, as amended, Committee on Budget and Fiscal Review. Budget Act implementation: CalWORKs.

~~Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program. The CalWORKs program is funded in part by the federal Temporary Assistance for Needy Families (TANF) program, subject to federal requirements.~~

~~This bill would express the intent of the Legislature to make the necessary statutory changes to implement the Budget Act of 2003 relative to the CalWORKs program.~~

AB 1758, as amended in the Senate on July 27, 2003, if enacted, would delete provisions of the Penal Code that provide for local grants from the Corrections Training Fund, which is appropriated without regard to fiscal years.

This bill would restore those provisions thereby making an appropriation.

AB 1758 would further delete provisions requiring local governments, which request and receive state funding pursuant to these provisions, to adhere to standards for the selection and training of

corrections and probation officers, among others, by the Board of Corrections.

This bill would restore these provisions.

This bill would make an appropriation by transferring, from an appropriation made by SB 1044, \$16,106,000 to the continuously appropriated Corrections Training Fund.

This bill would become operative only if AB 1758, as amended in the Senate on July 27, 2003, and AB 1765, as amended in the Senate on July 27, 2003, are enacted and become effective on or before January 1, 2004.

This bill would provide that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ ^{2/3}. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — It is the intent of the Legislature in enacting this~~
 2 ~~act to make the necessary statutory changes to implement the~~
 3 ~~Budget Act of 2003 relative to the California Work Opportunity~~
 4 ~~and Responsibility to Kids (CalWORKs) program.~~

5 SECTION 1. Section 6035 of the Penal Code, as amended by
 6 Assembly Bill 1758 of the 2003–04 Regular Session, is amended
 7 to read:

8 6035. (a) For the purpose of raising the level of competence
 9 of local corrections and probation officers and other correctional
 10 personnel, the board shall adopt, and may from time to time
 11 amend, rules establishing minimum standards for the selection and
 12 training of these personnel employed by any city, county, or city
 13 and county who provide for the custody, supervision, treatment, or
 14 rehabilitation of persons accused of, or adjudged responsible for,
 15 criminal or delinquent conduct who are currently under local
 16 jurisdiction. All of these rules shall be adopted and amended
 17 pursuant to Chapter 3.5 (commencing with Section 11340) of Part
 18 1 of Division 3 of Title 2 of the Government Code.

19 (b) Any city, county, or city and county ~~may~~ *receiving state aid*
 20 *pursuant to Article 3 (commencing with Section 6040) shall adhere*
 21 *to the standards for selection and training established by the board.*
 22 *The board may defer the promulgation of selection standards until*
 23 *necessary research for job relatedness is completed. In such case,*

1 *and until selection standards are adopted, a city, county, or city*
 2 *and county may receive state aid upon certification of willingness*
 3 *to adhere to the training standards pursuant to Section 6041.*

4 (c) Minimum training standards may include, but are not
 5 limited to, basic, entry, continuation, supervisory, management,
 6 and specialized assignments.

7 (d) *Selection and training standards shall apply to all local*
 8 *corrections and probation officers and other correctional*
 9 *personnel employed by jurisdictions receiving funds under Article*
 10 *3 (commencing with Section 6040). Exemptions from this*
 11 *requirement for personnel hired prior to July 1, 1980, shall be*
 12 *determined by the board. For the purpose of the exemptions, the*
 13 *board may develop written or oral equivalency examinations, a*
 14 *certification process which recognizes standards equivalency*
 15 *through a combination of professional experience and training, or*
 16 *a combination of examination and certification.*

17 SEC. 2. *Section 6040 of the Penal Code, as amended by*
 18 *Assembly Bill 1758 of the 2003–04 Regular Session, is amended*
 19 *to read:*

20 6040. There is hereby created in the State Treasury a
 21 Corrections Training Fund, which is hereby appropriated, without
 22 regard to fiscal years, exclusively for the costs of administration,
 23 the development of appropriate standards, the development of
 24 training, ~~and~~ program evaluation, *and grants to local government*
 25 *pursuant to this article.*

26 SEC. 3. *Section 6041 is added to the Penal Code, to read:*

27 6041. *Any city, county, or city and county which desires to*
 28 *receive state aid pursuant to this article shall make application to*
 29 *the board for such aid. The initial application shall be*
 30 *accompanied by a certified copy of an ordinance adopted by the*
 31 *governing body providing that, while receiving any state aid*
 32 *pursuant to this article, the city, county, or city and county, will*
 33 *adhere to the standards for selection and training established by*
 34 *the board. The application shall contain such information as the*
 35 *board may request.*

36 SEC. 4. *Section 6042 is added to the Penal Code, to read:*

37 6042. *The board shall annually allocate and the State*
 38 *Treasurer shall periodically pay from the Corrections Training*
 39 *Fund, at intervals specified by the board, to each city, county, or*
 40 *city and county which has applied and qualified for aid pursuant*

1 to this article an amount determined by the board pursuant to
2 standards set forth in its regulations. In no event shall any
3 allocation be made to any city, county, or city and county which is
4 not adhering to the selection and training standards established by
5 the board as applicable to such city, county, or city and county.

6 SEC. 5. Section 6043 is added to the Penal Code, to read:

7 6043. Peace officer personnel, whose jurisdictions are
8 eligible for training subvention pursuant to Chapter 1
9 (commencing with Section 13500) of Title 4 of Part 4 shall not be
10 eligible to receive funds under this article, except that peace
11 officers assigned full time to correctional duties may undergo
12 training in correctional subjects and their jurisdictions may
13 receive funds under this article for such training.

14 SEC. 6. Of the funds appropriated in Item 5430-101-0001 as
15 added to Section 2.00 of the Budget Act of 2003 by Section 1 of SB
16 1044, as amended in the Senate on July 29, 2003, sixteen million
17 one hundred six thousand dollars (\$16,106,000) is transferred to
18 the Corrections Training Fund for expenditure pursuant to Section
19 6040 of the Penal Code for the purposes provided in Article 3
20 (commencing with Section 6040) of Part 3 of Title 7 of the Penal
21 Code.

22 SEC. 7. This act shall become operative only if Assembly Bill
23 1758, as amended in the Senate on July 27, 2003, and Assembly
24 Bill 1765, as amended in the Senate on July 27, 2003, are enacted
25 and become effective on or before January 1, 2004.

26 SEC. 8. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety
28 within the meaning of Article IV of the Constitution and shall go
29 into immediate effect. The facts constituting the necessity are:

30 In order to preserve funding for grants to local governments
31 from the Corrections Training Fund for the 2003–04 fiscal year, it
32 is necessary that this act become effective immediately.